REMARKS

In the July 6, 2005 Office Action, the Examiner noted that claims 28-60 were pending in the application; objected to the specification; objected to claim 32; and rejected claims 28-60 under 35 USC § 103(a). In rejecting the claims, translation PTO 03-4961 of German Patent No. 19548387C1 to Pfaff and U.S. Patents 5,651,006 to Fujino et al. (respectively References N and A in the February 27, 2004 Office Action); 5,678,006 to Valizadeh et al.; and 5,870,474 to Wasilewski et al. were cited. Claims 28-60 remain in the case. The Examiner's rejections are traversed below.

On pages 5-13 of the Office Action, claims 28-30, 35 and 39-52 were rejected under 35 USC § 103(a) as unpatentable over Wasilewski et al. in view Valizadeh et al. In making this rejection, it was asserted that column 6, lines 19-26 and column 7, lines 29-37 of Wasilewski et al. disclosed "subjecting the encoded message to at least one cryptographic process in a proxy agent application executing on the computer to form a cryptographically processed message" (claim 28, lines 5-6). However, these portions of Wasilewski et al., like Pfaff (discussed in the June 9, 2005 Amendment) describe a system in which a message is decoded from one protocol and re-encoded using a different protocol. Specifically, Wasilewski et al. discloses

> SABER 20 receives the MPEG-2 transport packets from the SP
> 110, via data link 140, encapsulated in the network protocol of
> that link ... [and] extracts the MPEG-2 transport packets, adds
> conditional access, and then re-encapsulates the packets in a
> second protocol (which may be the same or different from the
> first protocol)

(column 6, lines 19-26). There would be no need to re-encapsulate the packets when the protocol is the same if the process of extracting the packets produced an "encoded message" (claim 28, line 5) which is what is subjected to "at least one cryptographic process" (claim 28, line 5) according to the present invention.

In other words, since the system taught by Wasilewski et al. re-encodes a packet that has been extracted from its transmission protocol, it would suffer from the same drawback as Pfaff described in the June 9, 2005 Amendment if applied to a more diverse environment like that to which the present invention can be applied. This drawback does not seem to be a concern in Wasilewski et al., because in the cited portion of Wasilewski et al., the only protocol

16

used for incoming transport packets that is described is MPEG-2; the only mention of using different protocols is when the packets are re-encapsulated.

By "subjecting the encoded message" (claim 28, line 5) to further processing, instead of extracting the message first, as taught by Wasilewski et al. and Pfaff, the present invention is able to distribute the encoded message in as wide a variety of protocols or any other form of "encoding" (claim 28, line 7) without requiring the proxy agent application to be able to decode any of the messages that are received.

The Response to Argument section of the Office Action only addresses the arguments regarding the requirement for the Applicant to pay fees, because the February 9, 2005 Office Action was improperly made final. The only response to substantive arguments in the June 9, 2005 Amendment was to replace Pfaff with the combination of Wasilewski et al. and Valizadeh et al. Not withstanding the failure to admit "that Pfaff was improperly used in the previous rejections" (July 6, 2005 Office Action, page 2, last line to page 3, line 1), the change in the references used for rejecting the claims speaks for itself. However, as discussed above, it is submitted that reliance on Wasilewski et al. instead of Pfaff does not change how the invention distinguishes over the prior art.

Nothing was cited or has been found in the Valizadeh et al. suggesting modifications of Wasilewski et al. to not extract the MPEG-2 transport packets for subsequent re-encapsulation, possibly again using the MPEG-2 protocol. Instead, Valizadeh et al. was cited as disclosing "a proxy agent application executing on a computer (col 3, lines 22-29)" (Office Action, page 6, lines 8-9). In addition, column 1, lines 56-59 of Valizadeh et al. were cited as disclosing that "an agent can be an application" (page 6, lines 9-10) and that motivation to incorporate Valizadeh et al. with the teaching of Wasilewski et al. were disclosed at column 2, lines 27-31 to "simplify the development and maintenance of a network node" (page 6, line 15).

For the above reasons, it is submitted that claim 28 and claim 35 which depends therefrom patentably distinguish over Wasilewski et al. in view of Valizadeh et al.

Claim 30 recites "subjecting the encoded message... to at least one first cryptographic process to form a cryptographically processed message" (claim 30, lines 6-7), while claims 39

17

and 41 recite "cryptographically processing the encoded message" on line 5 of each claim. Therefore, it is submitted that claims 39 and 41, as well as claims 43-45 and 52 which depend therefrom, patentably distinguish over the applied art for the reasons discussed above with respect to claim 28.

In rejecting claim 29 on pages 7 and 8 of the Office Action, it was asserted that column 5, lines 34-38 and column 23, lines 1-5 and 9-32 disclosed the operations recited in claim 29. While the cited portion of column 23 in Wasilewski et al. discloses that "[a]fter the program bearing MPEG-2 transport packets are decrypted by the broadband interface processor 190 the packets are output ... [to] MPEG-2 multimedia processor 198" (column 23, lines 25-29), it is not clear that the MPEG-2 multimedia processor 198 decodes "the inversely cryptographically processed message ... according to the encoding format of the network protocol used in said decoding of the cryptographically processed message (claim 29, last three lines). However, the operations recited in claim 29 are the inverse of the operations performed in claim 28. Since Wasilewski et al. does not teach that the MPEG-2 transport packets are encrypted without decoding, there is no reason to believe that after decryption further decoding is necessary. Therefore, it is submitted that claim 29 patentably distinguishes over Wasilewski et al. in view of Valizadeh et al.

Claim 40 recites "decoding the inversely cryptographically processed message ... according to the encoding format of the network protocol" (claim 40, last two lines). Therefore, it is submitted that claim 40 and claim 51 which depends therefrom patentably distinguish over the applied art for the reasons discussed above with respect to claim 29.

On pages 13-15 of the Office Action, claims 36, 53 and 54 were rejected under 35 USC § 103(a) as unpatentable over Wasilewski et al. in view of Valizadeh et al. and further in view of Pfaff. Claim 36 depends from claim 28, claim 53 depends from claim 39 and claim 54 depends from claim 41. As discussed above and in the June 9, 2005 Amendment Pfaff does not disclose anything that could be added to the teachings of Wasilewski et al. and Valizadeh et al. to overcome the deficiencies discussed above with respect to claim 28. Therefore, it is submitted that claims 36, 53 and 54 patentably distinguish over the applied art for the reasons discussed above.

18

On pages 15-22, claims 31-34, 38, 46-49 and 56-60 were rejected under 35 USC § 103(a) as unpatentable over <u>Wasilewski et al.</u> in view of <u>Valizadeh et al.</u> and further in view of <u>Fujino et al.</u> Claims 31-34 and 38 depend from claim 30 and claims 46-49, 56 and 57 depend from claim 41. As discussed in the June 9, 2005 Amendment, there is nothing in <u>Fujino et al.</u> suggesting that a message should not be decoded prior to encryption. Therefore, it is submitted that claims 31-34, 38, 46-49, 56 and 57 patentably distinguish over the applied art for the reasons discussed above with respect to claims 28, 30 and 41.

Claims 58 and 60 recite communication systems that include "means for cryptographically processing the encoded message" (claim 58, line 8 and claim 60, line 9). Therefore, it is submitted that claims 58 and 60 patentably distinguish over the applied art for the reasons discussed above with respect to claim 28. Claim 59 recites "means for decoding the inversely cryptographically processed message ... according to the encoding format of the network protocol" (claim 59, last two lines). Therefore, it is submitted that claim 59 patentably distinguishes over the applied art for the reasons discussed above with respect to claim 29.

On pages 22-23, claims 37 and 55 were rejected under 35 USC § 103(a) as unpatentable over <u>Wasilewski et al.</u> in view <u>Valizadeh et al.</u> and further in view of both <u>Fujino et al.</u> and <u>Pfaff.</u> Claim 37 depends from claim 30 and claim 55 depends from claim 41. As discussed above, there is nothing in any of these four references suggesting "subjecting the encoded message ... to at least one cryptographic process" (claim 30, lines 6-7) or "cryptographically processing the encoded message" (claim 41, line 5). Therefore, it is submitted that claims 37 and 55 patentably distinguish over the applied art for the reasons discussed above with respect to claims 30 and 41.

Summary

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 28-60 are in a condition suitable for allowance. Entry of the Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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20